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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,612	05/25/2000	Georgia Hilton	P/48-1	7248

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Mark Levy
SALZMAN & LEVY
Press Building - Suite 902
19 Chenango Street
Binghamton, NY 13901

EXAMINER	
GRIER, LAURA A	

ART UNIT	PAPER NUMBER
2644	

DATE MAILED: 07/09/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/578,612	HILTON, GEORGIA	
	Examiner	Art Unit	
	Laura A Grier	2644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) *1-12* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *13-17,19,20,25 and 26* is/are rejected.

7)☒ Claim(s) *18 and 21-24* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 13-17 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Gore et al., U. S. Patent No. 6370254.

Regarding **claim 13**, Gore et al. (herein, Gore) discloses an audio-visual reproduction. Gore's disclosure comprises a reproduction system with a plurality of audio-visual devices within an acoustic environment in a large space comprising one or more rooms with listeners, each room may comprises an audio-visual device for reproducing audio, which reads on substantially acoustically identical enclosures and substantially acoustically identical means for reproducing sound accommodated by a listener receiving a common audio-visual signal (col. 1, lines 42-52 and figure 1).

Regarding **claims 14-17** Gore discloses everything claimed as applied above (see claim 13). Gore further discloses a connection among the room via cable (25), which reads on connecting the audio spaces and electrical connection (col. 11, lines 7-13).

Regarding **claim 25**, Gore discloses everything claimed as applied above (see claim 16). Gore further discloses an audio-visual reproduction with a video source (abstract).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 13-16, 19-20, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks et al., U. S. Patent No. 6009507, in view of in view of In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

Regarding **claim 13**, Brooks et al. (herein, Brooks) discloses a system and method for distributing processing among one or more processors. Brooks disclosure comprises the use of digital audio workstations (DAWs) used in recording studios and post-production environments (col. 1, lines 20-31) for recording and reproducing audio, wherein it is obvious that the recording studio is an acoustical enclosure, wherein it is common for recording studios to be acoustically constructed having wall enclosures, a floor, ceiling and a door, wherein the walls may consist of soundproof materials to insulate ambient and external noises from interfering with a recording production, and adaptable to accommodate a listener, the user of the DAW. However, Brooks fails to specifically disclose the studio being a plurality of identical audio spaces and having identical means of reproducing sounds providing an identical audio signal to the plurality of audio spaces. However, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Brooks by duplicating the recording studio or the like, being of an acoustical enclosure and having identical reproducing means for purpose of easier

and economical manufacturing (standard practice) and providing an identical audio signal to all enclosures for providing one sound signature, since it has been held that mere duplication of a pre-existing means lacks patentability unless a new or unexpected result is produced. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

Regarding **claims 14-16**, Brooks and In re Harza disclose everything claimed as applied above (see claim 13). Brooks and In re Harza fail to disclose the spaces connected (electrical connection) to at least one of the other. Connecting or networking one or more audio spaces for common communication, such as with electrical cable for transmitting audio, etc., is well known. Thus it would have been obvious to one of the ordinary skill in the art at time the invention was made to modify the invention of Brooks and In re Harza by providing a cable (networking cable) for the purpose of providing a common connection between the audio spaces for simultaneous audio transmission of an identical audio signal.

Regarding **claims 19, and 20**, Brooks and In re Harza disclose everything claimed as applied above (see claim 16). Brooks further discloses that the DAWs and the DAWs functioning a mixer, which reads on digital audio workstations and an audio mixing console, where in is indicated that the DAW performs simultaneous tasks.

Regarding **claim 26**, Brooks and In re Harza disclose everything claimed as applied above (see claim 16). Brooks further discloses a recording studio or post-production environments, which constitutes an audio production studio.

Claims 18, and 21-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

LAG
June 26, 2003

FORESTER W. ISEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600